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C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 006200

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DEPT FOR EAP/MTS AND S/CT
DOJ FOR CTS THORNTON, AAG SWARTZ, OPDAT ALEXANDRE
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TAGS: [PTER](#) [PREL](#) [PGOV](#) [KJUS](#) [KISL](#) [ASEC](#) [AS](#) [FR](#) [ID](#)
SUBJECT: JAKARTA CT SEMINAR BUILDS ON PARIS PROGRAM,
SHARPENS FOCUS ON IMPROVED LEGISLATION

REF: 05 JAKARTA 16574 PARIS CT SEMINAR

Classified By: Political Officer Tim Hefner For Reasons 1.4 (b) and (d)

Summary

1. (C) Sixty Indonesian counterterrorism officials participated in an intensive four-day U.S.-funded seminar in Jakarta on CT legislation, marking the next step in U.S.-French-Indonesian CT cooperation. Co-hosted by the CT Desk at the Coordinating Ministry for Political, Legal, and Security Affairs and the French Embassy in Jakarta, the conference, held from April 3-6, focused on needed improvements to the current CT law. Officials responsible for drafting and approving legislation joined law enforcement personnel in discussing these areas. Participants from past U.S.-funded CT seminars led several sessions, and senior CT officials from France provided their expertise along with DOJ/OPDAT's Resident Legal Advisor. CT Engagement (NADR) funds from S/CT and additional funding from the French Embassy supported this program in its entirety. End Summary.

CT Cooperation Takes Next Step

2. (C) Sixty Indonesian officials from five GOI bodies responsible for counterterrorism and legislation participated in an intensive comparative study and training seminar in Jakarta from April 3-6. The seminar expanded upon concepts discussed in Paris (reftel) for improving the Indonesian legal system's CT efforts, continued our cooperative-CT efforts with the French Embassy in Jakarta, and increased the value of our Paris program investment by utilizing those participants as presenters. Publicly, the CT Desk at the Coordinating Ministry for Political, Legal, and Security Affairs co-hosted the event with the French Embassy. However, we and the French Embassy developed the content and paid for the week-long conference at the urging of the CT Desk. We utilized CT Engagement (NADR) funds from S/CT for this purpose, and the French Embassy through its Interior Ministry Liaison fully partnered with us in this venture, providing an equal financial contribution. As with the Paris program, post has not acknowledged publicly our funding of the April seminar. The inclusion of an American legal expert provided our first overt involvement in this series of activities.

Holistic Approach to CT Engagement

3. (SBU) The audience for the conference included the drafters, the approvers, the enforcers, and the arbiters of QCG laws in Indonesia selected and led in discussion by the CT pjhcy experts at the CT Desk.* Participants included 5 judges, including two Supreme Court Justices and district court judges from the terrorism trial venues of Palu, Poso, Makassar, and Ambon; 15 prosecutors with several from the High Prosecutors offices in Jakarta, Bali, and the Maluku; and 10 Indonesian National Police (POLRI) representatives from regional anti-terrorism Detachment-88 units as well as the POLRI training and intelligence departments.

4. (SBU) As suggested after the Paris program (reftel), officials from the Ministry of Law and Human Rights who draft legislation and staff members from DPR Commission III, the body which would vote on revised CT legislation, also attended. This expanded target audience has broadened the discussion of CT issues to include not just the working/operational levels but also the policy/strategic levels. The CT Desk and the French Embassy both believe their message focusing on improving current CT legislation has been well received by these officials, and they hope to widen this audience in future iterations of these seminars to build on this foundation.

Capitalizing on Investment

15. (SBU) This Jakarta conference utilized several

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participants from previous CT Desk-French Embassy programs as presenters, further promoting the leadership stock of these officials within their own organizations. Presenters included Supreme Court Justice Djoko Sarwoko and South Jakarta District Court Judge Roki Panjaitan, who introduced the audience to recent cases in the Indonesian legal system which exemplify the effective use of complicity statutes, and Narendra Jatna from the Attorney General's Office, who showed the participants how to organize and prepare for trial sessions in terrorism cases. All of the former Paris participants also advocated centralization, specialization, and coordination, topics promoted in the Paris program. They specifically cited the need for better police-prosecutor cooperation in developing dossiers and in trial stages, and they noted the significant role the AGO's Terrorism and Transnational Crime Task Force could play when it becomes staffed and operational.

French CT Partnership Continues, U.S. Expert Joins

16. (SBU) The French Embassy in Jakarta provided significant resources towards the success of the program, arranging and paying for five senior GOF CT officials to travel from Paris to facilitate discussion in the sessions and hosting the participants and speakers at the French Ambassador's residence on the final night of the four-day seminar. (Note: The presence of French legal experts was important due to the similarities between the French and Indonesian legal systems.) The French Ambassador to Indonesia officially opened the conference, and sessions led by the French CT experts focused on the use of conspiracy and complicity, the application of intelligence information in developing cases for trial, prosecuting multiple defendants of the same criminal organization, banning criminal organizations, and the process of effectively amending and strengthening CT laws.

17. (SBU) At the request of the French Embassy, Post's DOJ/OPDAT Resident Legal Advisor led two sessions during the conference in the context of terrorism and organized crime. One session introduced the concept of immunity and cooperation agreements with pleading defendants, a mechanism not included in the current Indonesian legal system. Our RLA has identified this missing element in the judicial system as a tool for strengthening the prosecution of complex criminal conspiracies, and questions following the session concerned how Indonesian law could incorporate a mechanism for immunity and plea bargaining. The second session covered conspiracy, U.S. RICO statutes, and the Continuing Criminal Enterprise law used against drug kingpins. The Indonesian participants focused on how the courts prove conspiracy at trial, attempting to understand the nuance of criminalizing group behavior but maintaining personal criminal liability.

Comment

18. (C) Although the law enforcement and judicial system has weaknesses, our partners at the CT Desk and the French Embassy believe that improved legislation remains the best target for short-term, effective change in the GOI's CT apparatus. They hope to include DPR members and senior officials at the Ministry of Law and Human Rights in future activities. International Crisis Group Indonesia Director Sidney Jones, unaware of our involvement in the CT seminar, commented to us separately that these sessions were "exactly what Indonesia's law enforcement needed at this time."

PASCOE